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COMMISSION

2013 MAY 13 AM 9:44

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 ) MUR 6631  
Howard L. Berman; Berman for )  
Congress and Bruce Corwin in his )  
official capacity as treasurer; Michael )  
Berman; Berman & D'Agostino )  
Campaigns; Michael Berman, Inc. )

**CERTIFICATION**

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on May 09, 2013, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 1-4 to:
  - a. Find reason to believe that Howard Berman, Berman for Congress and Bruce Corwin in his official capacity as treasurer, Michael Berman, Michael Berman, Inc., and Berman & D'Agostino violated 2 U.S.C. § 439a(b) and 11 C.F.R. § 113.1(g)(1)(i)(H).
  - b. Approve the Factual and Legal Analysis as recommended in the First General Counsel's Report dated March 5, 2013, as appropriate to support these findings.
  - c. Authorize an investigation to determine the fair market value of the consulting services that Berman & D'Agostino provided between 2008 and 2012.
  - d. Approve the appropriate letters.

Commissioner Walther voted affirmatively for the motion. Commissioners Hunter, McGahn II, Petersen, and Weintraub dissented.

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2. Decided by a vote of 5-0 to:

- a. Dismiss the allegation that Howard Berman, Berman for Congress and Bruce Corwin in his official capacity as treasurer, Michael Berman, Michael Berman, Inc., and Berman & D'Agostino violated 2 U.S.C. § 439a(b) and 11 C.F.R. § 113.1(g)(1)(i)(H) by engaging in a prohibited personal use of campaign funds.
- b. Approve the Factual and Legal Analysis as recommended in the First General Counsel's Report dated March 5, 2013, incorporating edits previously circulated via email and discussed at the table.
- c. Approve the appropriate letters.
- d. Close the file.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

May 10, 2013  
Date

Shelley E. Gant  
Shelley E. Gant  
Deputy Secretary of the Commission

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